

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

THOMAS BROWN, Derivatively on
Behalf of FIVE BELOW, INC.

Plaintiff,

v.

THOMAS M. RYAN, DAVID
SCHLESSINGER, THOMAS G.
VELLIOS, RONALD L. SARGENT,
MICHAEL F. DEVINE, III, STEVEN J.
COLLINS, DAVID M. MUSSAFER,

Defendants,

and

FIVE BELOW, INC.,

Nominal Defendant

Civil Action No. 1:15-cv-00073-S-PAS

NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE THAT Plaintiff Thomas Brown (“Plaintiff”), pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, hereby voluntarily dismisses all claims in the above-captioned action (the “Action”), without prejudice, against Defendants Five Below, Inc., Thomas M. Ryan, David Schlessinger, Thomas G. Vellios, Ronald L. Sargent, Michael F. Devine, III, Steven J. Collins, and David M. Mussafer.

On February 25, 2015, Plaintiff Thomas Brown filed a complaint alleging violations of federal securities laws entitled *Thomas Brown v. Thomas M. Ryan, et al*, 15-cv-00073-S-PAS (DKT. #1).

No Defendant has filed an answer or moved for summary judgment with respect to the operative class action complaint, and the Action has not been certified as a class action.

Accordingly, Plaintiff properly may dismiss all claims in the Action without prejudice under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

Dated: June 3, 2015

Respectfully submitted,

THOMAS BROWN,
By His Attorneys,

/s/ Meredith Black-Mathews
POWERS TAYLOR LLP
PATRICK W. POWERS
MEREDITH BLACK-MATHEWS
Campbell Centre II
8150 North Central Expressway, Suite 1575
Dallas, TX 75206
Telephone: 214/239-8900
214/239-8901 (fax)
patrick@powerstaylor.com
meredith@powerstaylor.com

Joseph P. Casale, Esq. #3653
Aquidneck Legal Center LLC
438 East Main Road, Suite 301
Middletown, RI 02842
Tel: 401.841.0004
Fax: 401.841.0016
Email: jpc@aquidnecklegalcenter.com

CERTIFICATE OF SERVICE

I hereby certify that this document filed on June 3, 2015, through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (Notice of Electronic Filing).

/s/ Meredith Black-Mathews
MEREDITH BLACK-MATHEWS